

2016R00127/MJM

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Kevin McNulty
v.	:	Criminal No. 19- 20
WANDA HARVEY	:	18 U.S.C. §§ 981(a)(1)(C) and 1951(a);
	:	28 U.S.C. § 2461

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

(Extortion Under Color of Official Right Affecting Interstate Commerce)

Defendant, Confidential Witness and Entities

1. At times relevant to this Information:
 - a. Defendant WANDA HARVEY (“HARVEY”) was a Regional Representative of the New Jersey Division of Disability Services (“DDS”). In her capacity as the Regional Representative, among other duties, HARVEY exercised control over the coordination and assignment of patients with disabilities in need of home health care services to home health care companies which provide such services through home health care aides. HARVEY also had authority to approve the number of hours of home health care service to which a patient with disabilities was entitled and for which Medicaid would pay reimbursement to the providing home health care company.
 - b. The DDS was a division of the State of New Jersey’s Department of Human Services. The DDS worked to streamline access to services and information that promoted and enhanced independent living for individuals with all types of disabilities by facilitating coordination and cooperation among local, county and state government agencies. Included among these services coordinated by DDS were Managed Long Term Services and Supports (MLTSS) which provide comprehensive service and supports, whether at home, in an assisted living facility or in a nursing home.

- c. There was a confidential witness (“CW”) who was self-employed as an executive of a home health care company which provided various services, including the training, hiring and assignment of home health care aides to patients with disabilities. In so doing, the CW and the business for which the CW worked purchased goods and services in interstate commerce. In June 2014, the CW pled guilty to fraud charges in the State of New Jersey.

The Corrupt Scheme

2. From in or about February 2016 to in or about February 2017, in Passaic and Hudson Counties, in the District of New Jersey, and elsewhere, defendant

WANDA HARVEY

did knowingly and willfully attempt to obstruct, delay and affect interstate commerce by extortion under color of official right – that is, accepting and agreeing to accept from the CW, with the CW’s consent, corrupt cash payments in exchange for agreeing to exercise official action and influence and to violate her official duties pertaining to patient referrals as specific opportunities arose.

3. It was part of the corrupt activity that:

- a. On or about February 9, 2016, during a recorded telephone conversation, HARVEY informed the CW that “I was just callin’ to see if you guys are up and running because I had a forty hour case,” a reference to a patient whom HARVEY wished to refer to the CW who would need the assistance of a home health care aide for forty hours per week. After HARVEY and the CW discussed meeting in the near future, HARVEY told the CW to “[j]ust give, if you wanna give something ahead of time, that’d be fine,” a reference to a corrupt payment that HARVEY was soliciting from the CW.

- b. On or about February 12, 2016, HARVEY met the CW in West New York,

New Jersey. HARVEY informed the CW that she expected to receive a list of Social Security Medicaid patients from a State of New Jersey employee in the near future and that HARVEY would be able to refer these patients to the CW. HARVEY then accepted a corrupt payment of \$1,000 in cash from the CW in exchange for patient referrals, at which time HARVEY, referring to the cash payment that she was accepting, assured the CW that “. . . it’s fine. You don’t have to count it.” HARVEY also explained to the CW that she would be able to increase the hours of home health care services allotted to patients she referred to the CW noting that if “I see that they were getting ten hours, then I can double it . . . wherever I see ten [hours] at, I’ll give you twenty.”

c. On or about February 12, 2016, HARVEY placed a telephone call to the CW shortly after the conclusion of the above-described meeting and expressed concern about the CW’s legal situation noting that “[a]re you sure – you sure everything’s okay with you and I because I don’t wanna be set up either, now,” and further worried that “I’m puttin’ my job on the line here, you know.” HARVEY explained that “I don’t like talkin’ numbers ‘cause that’s how people get in trouble,” a reference to her earlier discussions with the CW about the amount of the corrupt payments that she would be accepting from the CW for each patient whom she referred to the CW. Despite her concerns, HARVEY assured the CW that “I’m gonna do what I have to do to help you ‘cause, you know, if you grow, I grow.”

d. On or about October 12, 2016, HARVEY met with the CW at the Division of Disability Services office in Paterson, New Jersey, at which time HARVEY accepted a corrupt payment of \$500 in cash from the CW in exchange for the referral of patients in need of home health care services to be provided by the CW’s company. HARVEY informed the CW that she would refer a case to the CW involving a female patient and that HARVEY would be

“giving her 40 hours” per week in assistance from a home health care aide to be provided by the CW’s company. HARVEY also explained that she had previously directed patients to the CW by informing the patients that she would reach out to several home health care aide providers on the patient’s behalf, but, in reality, “they think I’m calling about three or four providers, and it’s really you.”

e. On or about January 13, 2017, HARVEY met with the CW in HARVEY’s car in the parking lot of a restaurant in Jersey City, New Jersey. During the meeting, HARVEY accepted a corrupt payment of \$600 in cash in exchange for the referral of a patient for whom the CW’s company would provide home health care aide services.

f. On or about January 13, 2017, shortly after the CW left the meeting at which HARVEY had accepted the \$600 in cash described above, HARVEY placed a telephone call to the CW. During the conversation, HARVEY expressed her concern with the manner in which their meeting had unfolded, telling the CW that “[n]ow it’s me being paranoid – you use[d] to be really – you never discussed pay with me.” HARVEY instructed the CW that “you never have to really discuss digits or anything.” HARVEY also observed that the CW had provided the \$600 in cash openly to her, noting that “you use[d] to put everything in an envelope . . . you use[d] to put everything in a manila envelope.”

g. On or about February 17, 2017, HARVEY met the CW at the Division of Disability Services office in Paterson. During the meeting, HARVEY accepted a corrupt payment of \$500 in cash for the referral of patients requiring the assistance of home health care aides to be provided through the CW’s home health care business. HARVEY told the CW that

“when the referrals come, let me give them to you,” a reference to future patients who would need home health care aides who HARVEY intended to direct to the CW’s company.

In violation of Title 18, United States Code, Section 1951(a).

FORFEITURE ALLEGATION

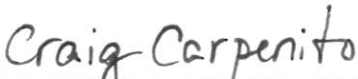
1. As a result of committing the aforementioned offense in violation of Title 18, United States Code, Section 1951(a) charged in this Information, defendant WANDA HARVEY shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real and personal that constituted and was derived from proceeds that HARVEY obtained that were traceable to the commission of the above offense, including, but not limited to, a money judgment in the amount of \$2,600 in United States currency, in that such sum constituted and was derived from proceeds traceable to the commission of the above offense.

2. If any of the above-described forfeitable property, as a result of any act or omission of HARVEY:

- (1) cannot be located upon exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of HARVEY up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.



CRAIG CARPENITO
United States Attorney
District of New Jersey

CASE NUMBER: _____

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District of New Jersey**

UNITED STATES OF AMERICA

v.

WANDA HARVEY

INFORMATION FOR

Title 18, United States Code, Sections 981(a)(1)(C)
and 1951(a); 28 United States Code, Section 2461

CRAIG CARPENITO

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